SH-AD-32A (8/17)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service Since 1850"

DATE: January 24, 2020
FILE NO: 919-01642-5100-505

OFFICE CORRESPONDENCE

FROM: SCOTT W. GAGE, COMMANDER
PROFESSIONAL STANDARDS DIVISION

TO: JOSIE S. WOOLUM, CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2480641
Incident:	Use of Force
Incident Date:	April 13, 2019
Unit:	Men's Central Jail
Suspect(s):	Emmanuel E. Swayzer, MB/121493
Involved Employees:	Deputy Joseph C. Welch, #[redacted] Deputy [redacted] #[redacted] Deputy [redacted] #[redacted] Deputy [redacted] #[redacted] Custody Assistant [redacted] #[redacted]
EFRC Date:	January 23, 2020

The Executive Force Review Committee (EFRC) consisting of Commanders Scott W. Gage, April L. Tardy, and Coronne L. Jacob met and reviewed the above case.

FINDINGS:

The EFRC determined the use of force and tactics were within Department policy.

RECOMMENDATIONS:

The EFRC Panel recommended for a tactical debriefing to be conducted with all involved personnel.
SWG:COR:cor

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FO 2480641

- **Use of Force – Medical Report, under URN 919-01642-5100-505, dated 04/13/19**

B **Screenshot of Suspect Emmanuel Swayzer's, Booking #5557773, medical "power chart"**

C **Envelope containing one (1) Digital Versatile Disk (DVD) depicting the force incident and employment of the WRAP restraint**

D **Correctional Health Services, Health Information Management, Medical Records to Suspect Emmanuel Swayzer, under patient number [redacted]**

E **IAB and MCJ photographs of Suspect Emmanuel Swayzer after the force incident**

F **Los Angeles County Sheriff's Department, Inmate Discipline Report for Suspect Emmanuel Swayzer, under report #[redacted] dated 03/26/19**

G **Envelope containing one (1) DVD containing MCJ watch commander and IAB interview videos of Suspect Emmanuel Swayzer**

MISCELLANEOUS DOCUMENTS

Inmate Information printout to Suspect Emmanuel Swayzer, booking 5557773

Screenshot of Suspect Emmanuel Swayzer's security classification level

Los Angeles County Consolidated Criminal History Reporting System (CCHRS) Criminal History Transcript of Suspect Emmanuel Swayzer, CII #[redacted]

Los Angeles County Unified, Behavioral Observation and Mental Health Referral

AM Shift In-service, Men's Central Jail, Saturday, April 13, 2019

Eleven (11) Force Admonition Forms

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 918-01642-5100-505 | Date: 04/13/2019 | Time: 1220

Location: 441 Bauchet Street | City or Station: Los Angeles

Bureau/Station/Facility: Custody Services Division / Men's Central Jail | Admin. Investigation: ( ) YES (•) NO

Type of Force: Control Holds; Takedown; Handcuffing

Incident Category: ( ) 1 ( ) 2 (•) 3 | Deputy Injury: ( ) YES (•) NO | Suspect Injury (•) YES ( ) NO

[ ] Call [X] Observation [ ] Detail | [ ] Foot Pursuit [ ] Vehicle Pursuit

IAB Notified: (•) YES ( ) NO | Person Notified: Lieutenant Dave Grall | Emp: [redacted] | IAB Roll Out (•) YES ( ) NO

Involved Employee

E 1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Welch	Joseph	C.	DSG

Sex: (•) M ( ) F | Race: W | Height: 604 | Weight: 205 | Age: [redacted] | Shift: ( ) EM (•) Day ( ) PM | (•) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): Rover / Movement

Individual Force Used: Control Holds; Takedown | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category ( ) 1 ( ) 2 (•) 3

[ ] Injured [ ] Treated [ ] Admitted Facility: | Coroner Case #

E 2

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex: (•) M ( ) F | Race: H | Height: 600 | Weight: 175 | Age: [redacted] | Shift: ( ) EM (•) Day ( ) PM | (•) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 2200 / 2400 Rover / Movement

Individual Force Used: Control Hold | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category (•) 1 ( ) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted Facility: | Coroner Case #

E 3

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex: (•) M ( ) F | Race: W | Height: 509 | Weight: 150 | Age: [redacted] | Shift: ( ) EM (•) Day ( ) PM | (•) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 2500 Module

Individual Force Used: Control Hold | ( ) Directed ( ) Rescue ( ) Medical Assist | Individual Category (•) 1 ( ) 2 ( ) 3

[ ] Injured [ ] Treated [ ] Admitted Facility: | Coroner Case #

On Duty Supervisor [X] Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Del Real	Lisa	M.	Sgt.	YES (•) NO ( )	YES (•) NO ( )

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Chang	Francois	H.	Sgt.	YES ( ) NO (•)	YES ( ) NO (•)

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank

LT. R. JONES [signature] # [redacted] 12-30-19

Watch Commander / Supervising Lieutenant's **Signature:** | Date | Copy Provided to Employee by: | Emp #:

Jason P. Wolak

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: [redacted] | Date

DISCOVERY Use Only

FO#

[ ] PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

918-01642-5100-505

Involved Employee

E4

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	H	510	182	[redacted]	( ) EM (●) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Men's Central Jail
Work Assignment (Unit #, Module, etc.): 2000 Title 15 Check #1

Individual Force Used: Control Hold
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: (●) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ____
Coroner Case #

E5

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	CA

Sex	Race	Height	Weight	Age	Shift	
( ) M (●) F	H	502	120	[redacted]	( ) EM (●) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Men's Central Jail
Work Assignment (Unit #, Module, etc.): 2900 Module

Individual Force Used: Control Hold; Handcuff
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: (●) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ____
Coroner Case #

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:
Work Assignment (Unit #, Module, etc.):

Individual Force Used:
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ____
Coroner Case #

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:
Work Assignment (Unit #, Module, etc.):

Individual Force Used:
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ____
Coroner Case #

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:
Work Assignment (Unit #, Module, etc.):

Individual Force Used:
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ____
Coroner Case #

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 8 - 0 1 6 4 2 - 5 1 0 0 - 5 0 5

Suspect Information

S 1

Last Name: Swayzer | First Name: Emmanuel | Middle Name: Eshean | Armed? Select: Other

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: B | Age: 25 | Height: 600 | Weight: 200 | D.O.B: 12/14/93 | Phone #1: (●) H ( ) W ( ) C [redacted] | Phone #2: ( ) H ( ) W ( ) C

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 5557773 | Primary Charge Code: 273.5 PC | Secondary Charge Code: | [X] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: MCJ Medical Clinic | Unit: | Phone #: (213) 974-4921

Hospital Admission? [ ] | Rec'd Treatment At: LAC+USC Medical Cent | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: Dr. Sean Henderson | Address: 2051 Marengo Street, LA, CA 90033 | Phone #: (323) 409-1000

Under Influence: ( ) YES (●) NO | Substance: None | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 04/13/19 | Time: 1328 | [ ] Audiotape: | [X] Videotape: | [X] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | [ ] Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? [ ] | Rec'd Treatment At: | Coroner Case #: | Mental History [ ] User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | [ ] Audiotape: | [ ] Videotape: | [ ] Photos of Injuries: | [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] **Additional Suspects Involved**

Supervisor's Report on Use of Force

EMPLOYEE / NON-EMPLOYEE INFORMATION

9 1 8 - 0 1 6 4 2 - 5 1 0 0 - 5 0 5

Employee Witnesses

Emp. # [redacted]	Last Name: Gomez	First Name: Gilberto	Middle Name: No middle	
Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 2100 / 2300 Rover / Movement	Shift: ○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty	
Emp. # [redacted]	Last Name: Cervantes	First Name: Steve	Middle Name: Anthony	
Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 2000 Rover #1 - Pill Call	Shift: ○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty	
Emp. # [redacted]	Last Name: Valenciano	First Name: Francisco	Middle Name: Kevin	
Unit of Assignment: Men's Central Jail	Work Assignment (Unit #, Module, etc.): 2300 Module	Shift: ○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	34	[redacted]
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
[redacted]	[redacted]	[redacted]	[redacted]	
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**
Last Name	**First Name**	**Middle Name**	**Age**	**D.O.B.**
Street Address	**City**	**Zip Code**	**Phone #1**	**Phone #2**

☒ **Additional Witness**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

918 - 01642 - 5100 - 505

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Pamplona	Nicolas	Mateo

Unit of Assignment	Work Assignment (Unit #, Module, etc.)	Shift	
Men's Central Jail	2600 / 2800 Rover / Movement	◯ EM ◉ Day ◯ PM	◉ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Reynolds	Thomas	Patrick

Unit of Assignment	Work Assignment (Unit #, Module, etc.)	Shift	
Men's Central Jail	2000 Rover #1 / Pill Call	◯ EM ◯ Day ◉ PM	◉ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Del Real	Lisa	Marie

Unit of Assignment	Work Assignment (Unit #, Module, etc.)	Shift	
Men's Central Jail	2000 Sergeant #1	◯ EM ◉ Day ◯ PM	◉ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Supervisor's Report on Use of Force

9 1 8 - 0 1 6 4 2 - 5 1 0 0 - 5 0 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Swayzer	S1	Welch	E1	UC	NN	
Swayzer	S1	Welch	E1	HR	NN	
Welch	E1	Swayzer	S1	CT	NN	EL
Welch	E1	Swayzer	S1	TD	FR	HD
[redacted]	E2	Swayzer	S1	CT	NN	
	E3	Swayzer	S1	CT	NN	
	E4	Swayzer	S1	CT	NN	
	E5	Swayzer	S1	RH	NN	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Category 3 Force, Fractured Left Hand**
IAB FILE NUMBER:	**FO 2480641**
URN#:	**919-01642-5100-505**
DATE/TIME:	**April 13, 2019, 1220 hours**
LOCATION:	**Men's Central Jail**

On Saturday, April 13, 2019, Internal Affairs Bureau (IAB) investigators Sergeants Francois Chang and Luan Dang responded to Men's Central Jail (MCJ) to investigate a Category 3 Force incident [**Exhibit A**].

SYNOPSIS

On April 13, 2019, at approximately 1220 hours, deputies assigned to Men's Central Jail were conducting Title-15 showers for the inmates in Modules 2100 and 2300.

> **IAB Note:** Title 15 references the legal responsibilities set forth by the California Code of Regulations, pertaining to correctional facilities within the state.

As Deputies Steven Cervantes and Joseph Welch rehoused inmates into their cells, they saw Suspect Emmanuel Swayzer, Booking #5557773, standing next to the B-Row gate in Module 2100, even though his cell was on D-Row (**Miscellaneous Documents, Inmate Information**). Deputy Cervantes asked Suspect Swayzer why he did not shower with the other inmates on D-Row and noticed he had a cast wrapped around his right hand. Suspect Swayzer replied, he was waiting for a "medical shower."

> **IAB Note:** A "medical shower" is a shower, allowing for certain accommodations, ordered by a superior court judge or doctor for various medical reasons.

Deputy Cervantes reported he told Suspect Swayzer to continue waiting, while he verified if Suspect Swayzer had a medically ordered shower. Suspect Swayzer complained as he waited for Deputy Cervantes to check on his medical shower status. Deputy Cervantes left the module and requested Witness Nurse

[redacted] to check Suspect Swayzer's medical records [**Exhibit B**]. Witness Nurse [redacted] told Deputy Cervantes, Suspect Swayzer did not have a medically ordered shower. Upon Deputy Cervantes' return to the module, he told Suspect Swayzer the nurse checked his medical records and verified he did not have a medically ordered shower.

Deputy Welch reported Suspect Swayzer became upset and began using profanities. Deputies [redacted] and [redacted] heard the arguing and gathered around Suspect Swayzer, next to Deputy Welch. Suspect Swayzer became upset and said, "Fuck that," as he clenched both hands into a fist and walked out of the sally port from the 2-gate, toward Deputy Welch, despite deputies' orders to stop walking.

> **IAB Note:** The sally port is a secure, controlled entryway, consisting of a series of doors or gates, to an area within the jail.

Deputy Welch reported Suspect Swayzer took a fighting stance, by adjusting his footing, and bladed his body toward him. Deputy Welch believed Suspect Swayzer was preparing to attack him.

Deputy Cervantes broadcast radio traffic of a recalcitrant inmate and requested a sergeant and additional deputies to respond to Module 2300.

> **IAB Note:** The Department defines a recalcitrant inmate as an inmate who is continually verbally defiant, uncooperative to verbal commands given by personnel, displays aggressive, assaultive, hostile or violent behavior toward personnel or other inmates, and/or passively resists the efforts of personnel by ignoring commands or not acknowledging their presence.

Deputy Welch reported he had no time to use any other option, but to place a firm grip on Suspect Swayzer's left and right elbows. Deputy Welch simultaneously turned Suspect Swayzer away from him, toward a wall, and guided him to it, in an attempt to gain control of him. Suspect Swayzer resisted by pulling his arms apart to break free of Deputy Welch's control, preventing him from being handcuffed with his hands behind his back.

Deputy [redacted] tried to place a control hold on Suspect Swayzer's right arm, but was losing his grip. Deputy Welch "feared" Suspect Swayzer's resistive and high risk behavior was going to overcome his attempt to control him. Therefore, Deputy Welch used both of his hands to grab hold of Suspect Swayzer's upper, rear shoulders. Deputy Welch pulled Suspect Swayzer's body in a backward direction. Suspect Swayzer, along with Deputies Welch and [redacted] fell to the floor.

Suspect Swayzer used his left arm to brace himself from the fall and unintentionally struck his head against the sally port gate, next to the officer's

cage. Suspect Swayzer continued to resist and tried to stand up. Deputy Welch rolled Suspect Swayzer onto his stomach, positioned himself at a perpendicular angle to Suspect Swayzer's back, and applied a control hold to Suspect Swayzer's left arm.

Deputy [redacted] lay on the floor and wrapped his arms around Suspect Swayzer's legs to prevent him from standing up. Deputy [redacted] arrived and placed a control hold on Suspect Swayzer's upper, right back and right biceps, and applied downward pressure to stop him from moving around.

Custody Assistant [redacted] arrived and used a firm grip to move Suspect Swayzer's right wrist to the small of his back pending handcuffing. At this time, Suspect Swayzer stopped resisting and complied with deputies' orders. Since there was a cast wrapped around Suspect Swayzer's right wrist, deputy personnel could not use traditional handcuffs and waited for the arrival of flex-cuffs to handcuff him. Upon the arrival of flex-cuffs, deputy personnel handcuffed Suspect Swayzer.

> **IAB Note:** Flex-cuffs are a plastic strip that can be fastened as a restraint around a person's wrists or ankles.

Deputy Gilberto Gomez arrived and employed the "Ripp Hobble" restraint around Suspect Swayzer's legs. The hobble application was un-resisted, but used to prevent Suspect Swayzer from using his feet in an assaultive manner.

> **IAB Note:** The Ripp Hobble is a restraint device used to hold the ankles together. The Ripp Hobble is made of one-inch wide polypropylene webbed belting and has a one-inch wide steel, alligator-jawed, friction-locking clip and steel-snap swivel.

Witness Sergeant Lisa Del Real arrived and supervised deputy personnel after the use of force by deputies. Witness Del Real handed Deputy Cervantes the video camera and directed him to film the incident. Sergeant Del Real directed deputies to employ the "WRAP" restraint on Suspect Swayzer and requested for the WRAP cart.

> **IAB Note:** The "WRAP" is a safe restraint system, designed to protect subjects, officers, and staff by reducing the possibility of injury and death. The WRAP restrains a person in an upright and seated position of maximum respiratory recovery and enables the person to receive medical care while being restrained. The WRAP cart is used for the safe and secure transportation of the suspect restrained in the WRAP.

Deputies Josue Perez, #[redacted] and Justin Masri, #[redacted] who were uninvolved in the use of force, transported Suspect Swayzer to the Men's Central Jail Main Clinic to be treated for any possible injuries. Neither of the deputies

saw any injuries; however, Suspect Swayzer was treated for his complaint of pain to both of his hands and right shoulder [**Exhibit A, Use of Force – Medical Report**]. Suspect Swayzer was subsequently transferred to the Twin Towers Correctional Facility (TTCF) Urgent Care, to have a secondary x-ray of his left hand to be evaluated by a nurse practitioner or doctor. Medical staff determined Suspect Swayzer had a fractured left hand.

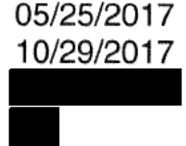
> **IAB Note:** MCJ closed circuit television video captured the force incident from two separate angles [**Exhibit C**]

INVOLVED EMPLOYEE AND WORK HISTORY

Joseph Welch, #[redacted] Deputy Sheriff
Custody Services Division
Men's Central Jail

Work History

Date of Employment: 05/25/2017
Date Assigned to Men's Central Jail 10/29/2017
Date Completed Custody Training: [redacted]
Prior Founded Force Incidents: [redacted]



Equipment Worn on Person

Class "B" uniform, Oleoresin Capsicum spray, Handcuffs, Radio

[redacted] #[redacted] Deputy Sheriff
Custody Services Division
Men's Central Jail

Work History

Date of Employment: [redacted]
Date Assigned to Men's Central Jail
Date Completed Custody Training:
Prior Founded Force Incidents:



Equipment Worn on Person

Class "B" uniform (short sleeve), Radio, Handcuffs, Oleoresin Capsicum, spray, Ripp Hobble

[redacted] #[redacted] Deputy Sheriff
Custody Services Division
Men's Central Jail

Work History

Date of Employment:
Date Assigned to Men's Central Jail
Date Completed Custody Training:
Prior Founded Force Incidents:

[redacted]

Equipment Worn on Person

Class "B" uniform (short sleeve), Radio, Handcuffs, Taser, Keys, Oleoresin Capsicum spray

[redacted] #[redacted] Deputy Sheriff
Custody Services Division
Men's Central Jail

Work History

Date of Employment:
Date Assigned to Men's Central Jail
Date Completed Custody Training:
Prior Founded Force Incidents:

[redacted]

Equipment Worn on Person

Class "B" uniform (long sleeve), Radio, Handcuffs, Keys, Oleoresin Capsicum spray, Ripp Hobble

[redacted] #[redacted] Custody Assistant
Custody Services Division
Men's Central Jail

Work History
Date of Employment:
Date Assigned to Men's Central Jail
Date Completed Custody Training:
Prior Founded Force Incidents:

[redacted]

Equipment Worn on Person

Green Class "B" uniform (long sleeve), Radio, Narcan, Handcuffs, Keys Oleoresin Capsicum spray

SUSPECT INFORMATION

Emmanuel Swayzer
MB, DOB: 12/14/93, 6'02," 210 lbs., black hair/ brown eyes
Address: [redacted]
CII# [redacted] MAIN# [redacted] FBI# [redacted]

Suspect Swayzer was classified as a security level 8 while in incarcerated at MCJ (**Miscellaneous Documents, Inmate Classification Printout**). Suspect Swayzer had a criminal history [redacted] (**Miscellaneous Documents, CCHRS Printout**).

SUBJECT INJURIES:

Subject Swayzer suffered a closed fracture of the 4th metacarpal in his left hand. An x-ray of his left hand showed "A subtle linear lucency projecting over the fourth metacarpal proximal shaft, best seen on the oblique view, cannot exclude a nondisplaced fracture. Otherwise, no acute displaced osseous fracture or dislocation." [**Exhibit D**]

Chief Physician Doctor Nickolay Teophilov, #[redacted], Correctional Health Services, opined the injury suffered by Suspect Swayzer could have been caused as a "result of blunt trauma to the hand, for example a fall to the ground."

DEPUTY PERSONNEL INJURIES

None.

PHYSICAL EVIDENCE

None.

INVESTIGATOR'S OBSERVATIONS

Approximately two hours transpired from the time of the use of force notification to IAB to the arrival of IAB investigators. Due to the location of where the use of force occurred, it is unlikely any inmate could have witnessed the incident. The Module 2100 and 2300 dayroom did not have inmates present at the time of the incident. IAB investigators looked for inmate witnesses in the area where the use of force occurred but did not find any.

Suspect Swayzer was housed at TTCF, Correctional Treatment Center (CTC), cell M331, and designated "[redacted] by Dr. Voichita Trufasiu, Mental Health Psychiatrist of Correctional Health Services. [redacted]

observation housing, requiring (15 minute checks). For Suspect Swayzer's safety, he was housed in a single person cell and wore a blue medical gown. Suspect Swayzer had separate casts wrapped around his right and left hands

IAB investigators took photographs [**Exhibit E**] of Suspect Swayzer following the use of force, after he was medically treated—cast on left hand.

MCJ personnel also took photographs of Suspect Swayzer following the use of force [**Exhibit E**]—no cast on left hand.

LIGHTING AND JAIL CONDITIONS

The incident occurred inside Modules 2100 and 2300 of Men's Central Jail, which was illuminated by artificial lighting at the time of the incident. IAB investigators requested MCJ Logistics Custody Assistant Tracee Alva, #[redacted] to check service request orders for the module pertaining to the lights, tier gates, and sally port gates. No work orders were found to indicate a malfunction of the above items.

WEAPON USED BY DEPUTIES

None.

WEAPON USED BY SUBJECT RUIZ

None.

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATION AND CHARGES FILED

None.

STATEMENTS

The following narratives are intended only as a synopsis of the interviews which have been paraphrased for clarification purposes. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

WITNESS STATEMENTS

Witness Deputy Gilberto Gomez

On October 30, 2019, Deputy Gomez was interviewed by IAB Sergeant Chang at IAB. He was represented by Attorney Sherry Lawrence from Stone Busailah law firm. The following is a summary of the interview:

On April 13, 2019, Deputy Gomez was assigned as the Module 2100 and 2300 Rover Movement Deputy. Deputy Gomez was maintaining security in the 2000 Floor main hallway, receiving new inmates who were awaiting housing.

Deputy Gomez heard radio traffic broadcasted of a recalcitrant inmate in Modules 2100 and 2300 and a request for a sergeant and deputies to respond. Deputy Gomez was a couple of feet from Modules 2100 and 2300, when he went inside. Upon entering, Deputy Gomez saw two to four deputies piled on top of Suspect Swayzer, who appeared to be "struggling" in front of the officer's cage, but did not elaborate. Since there were enough deputies focused on Suspect Swayzer's upper body, Deputy Gomez assisted Deputy [redacted] who was "hugging" Suspect Swayzer's legs. Deputy Gomez placed his knees on Suspect Swayzer's legs to control them, obtained Deputy [redacted] Ripp Hobble, and hobbled Suspect Swayzer's legs. Prior to the application of the Ripp Hobble, Suspect Swayzer had stopped resisting. However, Deputy Gomez employed the Ripp Hobble as a "precautionary measure."

Unknown deputies gave Suspect Swayzer numerous commands, but Deputy Gomez could not recall what was said. Witness Sergeant Del Real arrived and directed deputies to employ the WRAP restraint.

Witness Deputy Steve Cervantes

On November 6, 2019, Deputy Cervantes was interviewed by IAB Sergeant Chang at MCJ. The following is a summary of the interview:

On April 13, 2019, Deputy Cervantes was assigned as the 2000 Floor Rover #1, Pill Call Deputy. Deputy Cervantes was assisting deputies in Modules 2100 and 2300 while conducting inmate showers. As inmates were returning to their cells, Deputy Cervantes noticed Suspect Swayzer standing, with his shower equipment, on an unassigned tier, talking to other inmates. Suspect Swayzer did not shower with the inmates from his tier.

Once the inmates returned to their cells, Deputy Cervantes questioned Suspect Swayzer about what he was doing on an unassigned tier. Suspect Swayzer replied he needed to shower by himself because he had a medical order due to having a cast on his hand. Deputy Cervantes explained the shower rules to Suspect Swayzer and offered him a plastic bag to cover his cast so that he could

take a shower without getting the cast wet. Deputy Cervantes also told Suspect Swayzer he would verify with the nurse if he had a medically ordered shower. Although Suspect Swayzer complained and used profanity, Deputy Cervantes allowed him to remain in the sally port of the module, under the supervision of other deputies, while he went to check at the nurse's station outside the module.

Approximately five minutes later, Witness Nurse [redacted] told Deputy Cervantes Suspect Swayzer, "...doesn't have a medical order. He's never had one" (**Cervantes transcript, page 9**). Deputy Cervantes returned to the module and informed Suspect Swayzer he did not have a medical shower. Suspect Swayzer became angry, used profanity, and tried to walk past Deputy Cervantes, who was standing a couple of feet in front of him. Deputy Cervantes put his hand out and commanded Suspect Swayzer to stop and relax.

Deputies Welch and [redacted] told Suspect Swayzer to place his hands behind his back, as they guided him to a wall to handcuff him. Suspect Swayzer started turning his body from left to right in an attempt to break the deputies' grasp of him. Deputy Cervantes radio broadcasted a request for a sergeant and deputies regarding a recalcitrant inmate. Deputy Cervantes was afraid Suspect Swayzer was going to fight with them, using his cast as a weapon. Deputy Cervantes described Suspect Swayzer's cast to be akin to a brick.

Deputies Welch, [redacted] and another deputy took Suspect Swayzer to the floor in an effort to control him. Deputy Cervantes did not see how Suspect Swayzer landed on the floor since his attention was diverted to the additional arriving deputies. Witness Sergeant Del Real arrived and handed Deputy Cervantes a video recorder to record the incident [**Exhibit C**]. While Suspect Swayzer was on the floor, deputy personnel tried to handcuff him, but could not since he had a cast, requiring them to use flex-cuffs. During the confrontation, Suspect Swayzer yelled something about the "Crip" gang and "suing" the Department. Suspect Swayzer stopped resisting once he was taken to the floor. Deputies ultimately handcuffed Suspect Swayzer and employed the WRAP restraint.

Witness Deputy Francisco Valenciano

On October 24, 2019, Deputy Valenciano was interviewed by IAB Sergeants Chang and Ray Jones, [redacted] at IAB. He was represented by Attorney Steve Welch from Rains, Lucia, Stern, St. Phalle & Silver law firm. The following is a summary of the interview:

On April 13, 2019, Deputy Valenciano was assigned as the Module 2300 Deputy. Inmate showers were being conducted in Modules 2100 and 2300. Deputy Valenciano was opening the A-Row cell gates in Module 2100 to allow inmates to return to their cells after showering, when he heard a radio broadcast requesting a sergeant and deputies to Modules 2100 and 2300 regarding a recalcitrant inmate.

Deputy Valenciano immediately stopped what he was doing and responded to the request by exiting out of the officer's cage. Deputy Valenciano saw Deputy Welch, other unknown deputies, and Suspect Swayzer falling to the floor. Deputy Valenciano heard a deputy say "stop resisting" and "put your hands behind your back." Deputy Valenciano saw Deputy Welch lay on the upper left torso of Suspect Swayzer, trying to grab Suspect Swayzer's hands. Deputy Valenciano heard deputies command Suspect Swayzer to put his hands behind his back, but Suspect Swayzer was "tensing up," preventing deputies from putting his hands together.

Deputy Valenciano saw a sufficient number of deputies trying to maintain control of Suspect Swayzer; therefore, he walked to the 1-gate to prevent additional personnel from getting involved. Witness Sergeant Del Real responded approximately 15 to 30 seconds after the radio broadcast requesting a sergeant. Witness Sergeant Del Real told Deputy Valenciano to wait outside the module, in the 2000 Floor main hallway. Deputy Valenciano left the module and waited in the hallway.

Witness Deputy Nicolas Pamplona

On October 3, 2019, Deputy Pamplona was interviewed by IAB Sergeant Chang at MCJ. The following is a summary of the interview.

Witness Deputy Pamplona was assigned as the Modules 2600 and 2800 Rover Movement Deputy. A sergeant requested for an escort team to transport Suspect Swayzer from Modules 2100 and 2300 to the MCJ Main Clinic. Witness Deputy Pamplona responded to the request for an escort team.

Witness Deputy Pamplona saw Suspect Swayzer in a WRAP restraint and seated in a WRAP cart. Suspect Swayzer was using profanity because he was upset about the incident. Witness Deputies Pamplona and Thomas Reynolds, [redacted] transported Suspect Swayzer to the MCJ Main Clinic to be medically treated for any possible injuries. Once Suspect Swayzer was seen by MCJ medical staff, they requested Suspect Swayzer go to Twin Towers Urgent Care to have a secondary x-ray and to be evaluated by a nurse practitioner or doctor.

Suspect Swayzer initially claimed his injury occurred from the use of force with deputies during this incident, but he later made spontaneous statements to the contrary; Suspect Swayzer told Witness Deputies Pamplona and Reynolds he had broken his arm before coming to MCJ and that "I'm only doing this 'cause, you know, I wanna get paid, the county's gonna pay me out, I'm a be rich when I get out. I'm gonna go out and party" (**Pamplona transcript, page 6**). Suspect Swayzer elaborated about how he broke his hand and said he was in a fight with another inmate at [redacted] and that was how he previously injured his hand.

> **IAB Note:** IAB investigators checked Suspect Swayzer's Inmate Discipline Report [**Exhibit F**] and discovered he was involved in a major disturbance, described as a racial fight between Black and Hispanic inmates on March 26, 2019. Consequently, Suspect Swayzer received loss of privileges for 30 days, and was segregated from the other inmates. IAB investigators did not find any record of injury or complaint of pain by Suspect Swayzer related to this incident. Suspect Swayzer did have a pre-existing injury, broken right hand, from punching a wall, prior to this incident [**Exhibit D**].

Witness Deputy Pamplona was unsure which hand Suspect Swayzer was referring—his right hand or his left hand. But ended in saying, Suspect Swayzer was going to blame deputies, from this incident, for causing a pre-existing hand injury, to get "paid."

Witness Deputy Thomas Reynolds

On November 20, 2019, Deputy Reynolds was interviewed by IAB Sergeant Chang at MCJ. The following is a summary of the interview:

Witness Deputy Reynolds was assigned as the 2000 Floor Rover #1, Pill Call Deputy. Witness Deputy Reynolds became aware of the force incident when he was asked by someone to escort Suspect Swayzer to Urgent Care. Witness Deputies Reynolds and Pamplona were the escort team and both talked with Suspect Swayzer about what happened.

During the conversation, Suspect Swayzer said he was going to capitalize on the MCJ force incident by blaming his hand injury on the deputy involved in his use of force, despite it being a pre-existing injury that occurred at [redacted] in a fight with other inmates.

Witness Sergeant Lisa Del Real

On November 12, 2019, Witness Sergeant Del Real was interviewed by IAB Sergeant Chang at MCJ. The following is a summary of the interview:

Witness Sergeant Del Real was assigned as the 2000 Floor Sergeant #1. Witness Sergeant Del Real heard radio traffic broadcasted of a recalcitrant inmate in Modules 2100 and 2300. Witness Sergeant Del Real responded to the modules in less than a minute.

Upon entering the module, Witness Sergeant Del Real saw Deputy Welch, Custody Assistant [redacted] and approximately three additional deputies on top of Suspect Swayzer. Some deputies were on the upper back and some were on the lower body of Suspect Swayzer. Suspect Swayzer was yelling profanities at deputies, but they did not appear to be struggling with each other. The deputies seemed to be holding Suspect Swayzer in place.

As Witness Deputy Cervantes recorded the remainder of the incident on video, Witness Sergeant Del Real requested the WRAP restraint and WRAP cart. Deputies placed the WRAP restraint on Suspect Swayzer and placed him in the WRAP cart. Thereafter, uninvolved deputies escorted Suspect Swayzer to the MCJ Main Clinic to be seen for possible injuries. Witness Sergeant Del Real debriefed the incident with the involved deputies and all use of force was reported to her.

Witness Nurse [redacted]

On September 30, 2019, Witness Nurse [redacted] was interviewed by IAB Sergeant Chang telephonically. The following is a summary of the interview.

Witness Nurse [redacted] was completing her pill call duties, when an unknown deputy asked her if Suspect Swayzer had a medical shower. Witness Nurse [redacted] could not verify a medical shower order without returning to the "pill room," located outside the module, to check the patient's medical chart, by booking number, on a computer.

Witness Nurse [redacted] checked Suspect Swayzer's "power chart" and confirmed there was no medically ordered shower. Witness Nurse [redacted] informed the deputy inquiring, who in turn told Suspect Swayzer.

> **IAB Note:** Witness Nurse [redacted] produced a screenshot of the Suspect Swayzer's "power chart," which confirmed he did not, nor did he ever, have a medically ordered shower at the time of this report [**Exhibit B**].

Witness Nurse [redacted] did not witness any force or argument between deputies and Suspect Swayzer.

<u>SUSPECT STATEMENT</u>

Suspect Emmanuel Swayzer

On April 13, 2019, Suspect Swayzer was interviewed by MCJ watch commander, Lieutenant Stacy Morgan, #[redacted] Deputy Josue Perez, #[redacted] video recorded the interview. IAB Sergeants Chang and Luan Dang, #[redacted] subsequently interviewed Suspect Swayzer at TTCF. Both interviews were video recorded [**Exhibit G**]. The following is a summary of the IAB interview:

Suspect Swayzer said he was previously housed in Module 2500. During this time, he had difficulty showering due to a cast on his right hand. His family telephoned the MCJ watch commander and spoke to Santos, Skinner, and Lard about their concern for Suspect Swayzer not being able to shower with a cast.

IAB Note: IAB investigators could not identify any Department lieutenants or sergeants with the names described by Suspect Swayzer using Department resources.

Per Suspect Swayzer, a watch commander told Suspect Swayzer's family Department personnel would give Suspect Swayzer a bag to cover his cast and allow him to have a "medical shower."

IAB Note: Suspect Swayzer said while housed in Module 2500, deputy personnel allowed him to have medical showers.

Sometime later, Suspect Swayzer was moved from Module 2500 to Module 2100. On April 13, 2019, during shower time, in Module 2100, Suspect Swayzer asked if he could shower in the "medical shower" upstairs, but deputies told him the "medical" showers upstairs were not working. Deputies then escorted him downstairs, where he was told to wait in the sally port to use the downstairs "medical shower."

While Suspect Swayzer waited in the sally port, Deputy Welch inquired as to why Suspect Swayzer was in the sally port. Suspect Swayzer told Deputy Welch he was waiting for his shower. Deputy Welch replied, "What makes you think you special?" Suspect Swayzer replied he had a cast on a broken hand. Deputy Welch replied, "Fuck you, you shower with everyone else." Meanwhile, another deputy told Suspect Swayzer to wait and that they would let him through. Suspect Swayzer waited in the sally port for approximately 10 to 15 minutes.

Deputy Welch and additional deputies amassed downstairs and asked Suspect Swayzer what was going on. Suspect Swayzer reiterated his desire for a medical shower. Deputy personnel ordered Suspect Swayzer to exit the sally port. As Suspect Swayzer exited the sally port, deputy personnel perceived him to be "rushing" toward them. Approximately two to three deputies grabbed Suspect Swayzer's hands, pushed him against the wall and "slammed" him to the floor, causing the left side of his temple to strike the floor. Suspect Swayzer also landed on the back side of his left hand. A deputy then grabbed Suspect Swayzer's left hand and twisted it, while another deputy put his knees into his back. The deputies "dogpiled" him while on the ground. Deputies "kneed and punched him" 10 to 15 times on the side and upper part of Suspect Swayzer's body. Suspect Swayzer did not resist deputies at any time.

IAB Note: IAB investigators reviewed video footage of the force incident and did not see deputies strike Suspect Swayzer in any way [**Exhibit C**].

Once deputies took Suspect Swayzer to the floor, he was "cast handcuffed," with his hands behind his back and "hogtied." Thereafter, Suspect Swayzer described being put into another restraint device and a "stroller." Suspect Swayzer was transported the MCJ Main Clinic, where he was medically treated

for the complaint of pain to his left hand, head, and right shoulder. Suspect Swayzer's hand was x-rayed; the doctor told Suspect Swayzer his hand was broken.

Suspect Swayzer said he did not swing his arms, fight, or resist the deputies, especially since he knew the cast on his hand could be considered a weapon. When deputies initially grabbed his arms, he dropped the toiletries and a plastic bag he was holding in his hands.

Suspect Swayzer had no knowledge if deputies verified he had a medically ordered shower with medical staff, nor did he care, since "It was too much over a shower." Suspect Swayzer requested to speak to a sergeant, but deputies told him, "Fuck you, you don't get to talk to a sergeant" and commanded him to exit the sally port.

Suspect Swayzer complained of pain to his head, saying he was dazed and confused. He also complained his left hand was broken. Additionally, Suspect Swayzer complained of post-traumatic stress disorder from this incident, saying he thinks he is going to get his hand broken every time he thinks about a shower.

Suspect Swayzer estimated the use of force occurred within a span of approximately 30 seconds, from the time he exited the sally port to being on the floor. He estimated his handcuffing took approximately three minutes.

Suspect Swayzer denied being in a fight prior to being housed at MCJ. Suspect Swayzer said he broke his right hand by punching a wall at [redacted] approximately one month prior to this incident. Suspect Swayzer said there was no other way his left hand could have been broken other than by the use of force that was used by deputies in this incident. Suspect Swayzer denied talking to anyone else, besides the doctor, as to how his left hand was broken.

> **IAB Note:** Suspect Swayzer's Inmate Discipline Report [**Exhibit F**] refuted his denial he was recently in a previous fight with other inmates.

Suspect Swayzer was not under the care of a psychologist or psychiatrist, nor did his have a history of mental illness.

> **IAB Note:** At the time IAB investigators interviewed Suspect Swayzer, he was housed in High Observation Housing at TTCF due to making [redacted] statements and hitting his head on a wall (**Miscellaneous Documents, Los Angeles County Unified Behavioral Observation and Mental Health Referral**)

INVOLVED EMPLOYEE STATEMENTS

Involved Employee - Deputy Joseph Welch

On October 23, 2019, Deputy Welch was interviewed by IAB Sergeant Chang at Inmate Reception Center. The following is a summary of the interview:

On April 13, 2019, Deputy Welch was assigned as the Module 2500 and 2700 Rover Movement Deputy. Deputy Welch went to Modules 2100 and 2300 to assist deputies with running Title-15 showers since they were running behind for the day. Upon entering the module, Deputy Welch saw Suspect Swayzer standing on the B-Row tier with the "2-gate" open.

> **IAB Note:** The 2-gate is located approximately 14 ft., as measured by IAB investigators, directly in front of the entry door (1-gate) to Modules 2100 / 2300. The 2-gate is the entry/exit into the sally port between the officer's cages.

Deputy Welch asked Deputy Cervantes why Suspect Swayzer was standing there and was told Suspect Swayzer was waiting for a medically ordered shower.

Suspect Swayzer calmly reiterated to Deputy Welch he had a medically ordered shower. Deputy Welch requested Deputy Cervantes to contact Witness Nurse [redacted] to check on the veracity of Suspect Swayzer's claim for a medically ordered shower. Deputy Cervantes left the module. Meanwhile, Deputy Welch told Suspect Swayzer he would honor the medically ordered shower, once verified, but if there was no order on file, he would allow him to shower with the inmates from another row.

Two to five minutes later, Deputy Cervantes returned to the module with Witness Nurse [redacted] Witness Nurse [redacted] told deputies, out loud, Suspect Swayzer did not have a medically ordered shower.

Suspect Swayzer overheard Witness Nurse [redacted] and became frustrated. Suspect Swayzer clenched his left hand into a fist and said, "Fuck this. I'm going to get my shower." Suspect Swayzer walked through the B-Row gate into the sally port, and through the 2-gate, toward Deputies Welch and Cervantes.

> **IAB Note:** Deputies Welch and Cervantes were standing outside of the sally port, adjacent to the 2-gate. Deputy Welch could not recall if any other deputies were present at the time.

Deputy Welch reiterated to Suspect Swayzer he would allow him to shower with the other inmates and made numerous commands for him to stop walking. Suspect Swayzer did not comply. Based on Suspect Swayzer's profanity,

clenching his left hand into a fist and advancement toward them, Deputy Welch believed Suspect Swayzer was about to assault him. Deputy Welch was concerned about the "hard" cast around Suspect Swayzer's right hand, which he said resembled a "club" and "could have been used as a deadly weapon, possibly on my partners or myself" (**Welch transcript, page 9**).

Suspect Swayzer closed the distance to Deputy Welch from approximately five to six feet away and "bladed" his body to him. Deputy Welch heard Deputy Cervantes radio broadcast for a sergeant and additional deputies to respond regarding a recalcitrant inmate.

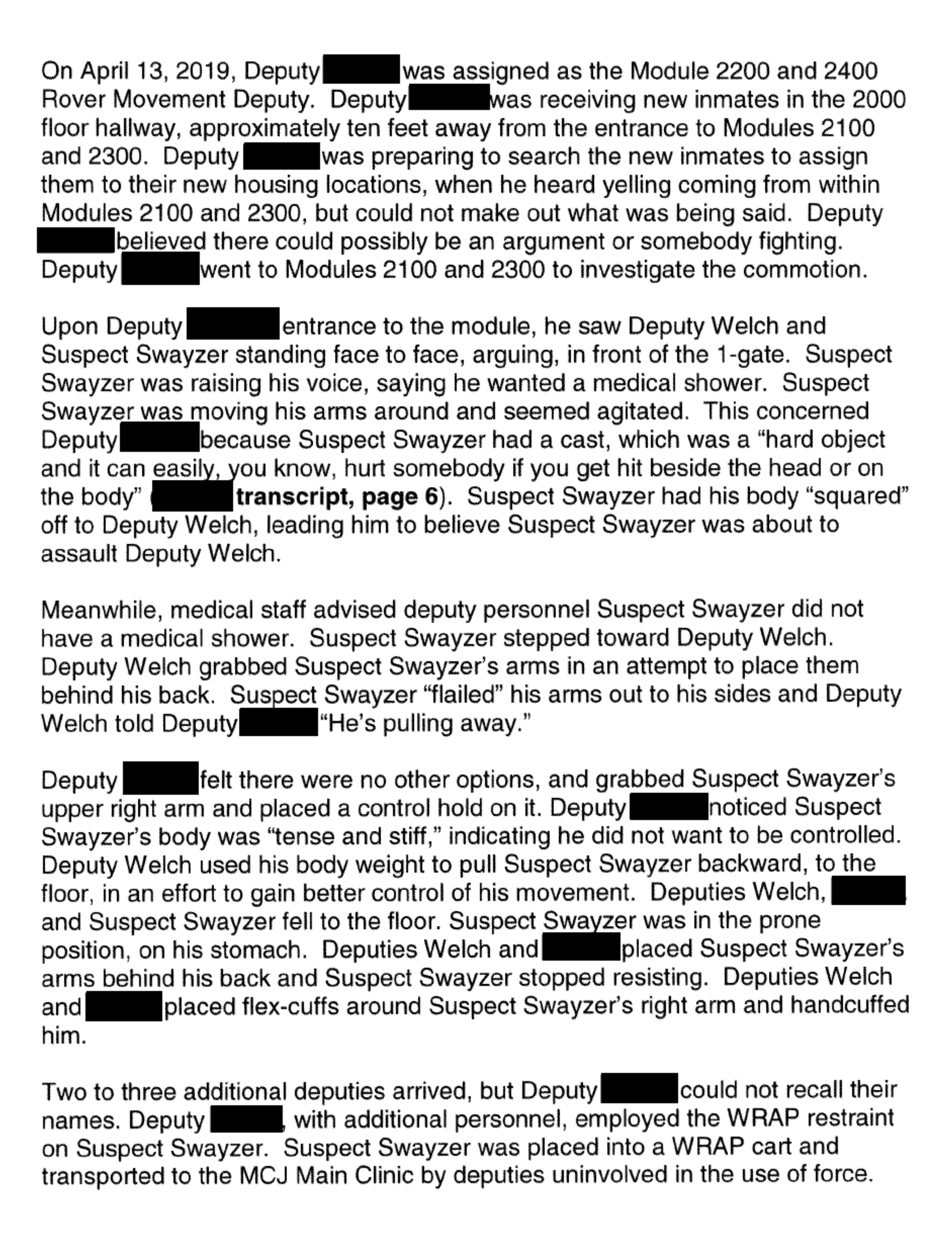
Due to the time and distance of the rapidly evolving incident, Deputy Welch felt he had no better option than to immediately grab Suspect Swayzer's arms in an effort to control and handcuff them behind his back. Suspect Swayzer tried to pull his arms apart from Deputy Welch's grasp. Deputy Welch guided Suspect Swayzer toward a wall, four to six feet away, to brace Suspect Swayzer against it, allowing for better control of him. Once at the wall, Suspect Swayzer continued to resist Deputy Welch, causing Deputy Welch to lose control of him. Deputy Welch said Suspect Swayzer was stronger than him.

Deputy Welch repositioned himself and grabbed Suspect Swayzer's upper shoulders and used his body weight to pull him backward, toward the floor. Deputy Welch performed a rear take-down of Suspect Swayzer to prevent himself from being assaulted. Suspect Swayzer used his left hand to brace himself as he fell onto the floor.

Once on the floor, Deputy Welch lay on top of Suspect Swayzer and repositioned his body perpendicular to him, which he described as a "side mount." Suspect Swayzer continued using profanities as Deputy Welch maintained control of Suspect Swayzer's left arm. Deputy Welch heard other custody personnel arrive and saw Custody Assistant [redacted] assist him in gaining control of Suspect Swayzer's right arm. Deputy Welch could not describe, in detail, how Custody Assistant [redacted] gained control of Suspect Swayzer's right arm since he was focused Suspect Swayzer's left arm. Deputy Welch placed a rear wrist lock on Suspect Swayzer's left hand. The wrist lock had the desired effect and Suspect Swayzer stopped resisting. Deputies placed flex-cuffs on Suspect Swayzer, hobbled him, and employed the WRAP restraint.

Involved Employee - Deputy [redacted]

On October 31, 2019, Deputy [redacted] was interviewed by IAB Sergeants Chang and Jones at IAB. He was represented by Attorney Steve Welch from Rains, Lucia, Stern, St. Phalle & Silver law firm. The following is a summary of the interview:



On April 13, 2019, Deputy [redacted] was assigned as the Module 2200 and 2400 Rover Movement Deputy. Deputy [redacted] was receiving new inmates in the 2000 floor hallway, approximately ten feet away from the entrance to Modules 2100 and 2300. Deputy [redacted] was preparing to search the new inmates to assign them to their new housing locations, when he heard yelling coming from within Modules 2100 and 2300, but could not make out what was being said. Deputy [redacted] believed there could possibly be an argument or somebody fighting. Deputy [redacted] went to Modules 2100 and 2300 to investigate the commotion.

Upon Deputy [redacted] entrance to the module, he saw Deputy Welch and Suspect Swayzer standing face to face, arguing, in front of the 1-gate. Suspect Swayzer was raising his voice, saying he wanted a medical shower. Suspect Swayzer was moving his arms around and seemed agitated. This concerned Deputy [redacted] because Suspect Swayzer had a cast, which was a “hard object and it can easily, you know, hurt somebody if you get hit beside the head or on the body” ([redacted] **transcript, page 6**). Suspect Swayzer had his body “squared” off to Deputy Welch, leading him to believe Suspect Swayzer was about to assault Deputy Welch.

Meanwhile, medical staff advised deputy personnel Suspect Swayzer did not have a medical shower. Suspect Swayzer stepped toward Deputy Welch. Deputy Welch grabbed Suspect Swayzer’s arms in an attempt to place them behind his back. Suspect Swayzer “flailed” his arms out to his sides and Deputy Welch told Deputy [redacted] “He’s pulling away.”

Deputy [redacted] felt there were no other options, and grabbed Suspect Swayzer’s upper right arm and placed a control hold on it. Deputy [redacted] noticed Suspect Swayzer’s body was “tense and stiff,” indicating he did not want to be controlled. Deputy Welch used his body weight to pull Suspect Swayzer backward, to the floor, in an effort to gain better control of his movement. Deputies Welch, [redacted] and Suspect Swayzer fell to the floor. Suspect Swayzer was in the prone position, on his stomach. Deputies Welch and [redacted] placed Suspect Swayzer’s arms behind his back and Suspect Swayzer stopped resisting. Deputies Welch and [redacted] placed flex-cuffs around Suspect Swayzer’s right arm and handcuffed him.

Two to three additional deputies arrived, but Deputy [redacted] could not recall their names. Deputy [redacted], with additional personnel, employed the WRAP restraint on Suspect Swayzer. Suspect Swayzer was placed into a WRAP cart and transported to the MCJ Main Clinic by deputies uninvolved in the use of force.

Involved Employee - Deputy [redacted]

On October 24, 2019, Deputy [redacted] was interviewed by IAB Sergeants Chang and Jones at IAB. He was represented by Attorney Steve Welch from Rains, Lucia, Stern, St. Phalle & Silver law firm. The following is a summary of the interview:

On April 13, 2019, Deputy [redacted] was assigned as the Module 2500 Deputy. However, Deputy [redacted] was helping to run inmate showers for Modules 2100 and 2300. After rehousing inmates in Module 2100, D-Row, Deputy [redacted] walked downstairs to the sally port between Modules 2100 and 2300.

Deputy [redacted] saw Suspect Swayzer walking out of the Module 2100 B-Row gate, toward the 2-gate. Deputy [redacted] presumed Suspect Swayzer was exiting to go to the communal shower since deputies were conducting inmate showers at the time. The B-Row gate and 2-gate were open at the time, since inmate showers were being conducted.

Suspect Swayzer told deputies he had a medically ordered shower and wanted to shower in a single shower cell. Deputy [redacted] knew there was a single shower cell shower located at the end of B-Row, next to Suspect Swayzer. Deputy Welch told Suspect Swayzer to wait while they verified if he had a medically ordered shower. Suspect Swayzer was cooperative while he waited.

Deputy Welch verified with medical staff Suspect Swayzer did not have a medically ordered shower. Deputy Welch gave the option for Suspect Swayzer to shower with inmates from another row, even though his row of inmates already showered, or return to his cell. Suspect Swayzer became aggravated and said, "No, fuck you guys. I'm gonna take my shower by myself."

Suspect Swayzer "aggressively" stepped toward Deputy Welch by walking in a fast manner, as if he was about to lunge at Deputy Welch. Deputy Welch stood in the hallway, facing the 2-gate. Deputy [redacted] saw Suspect Swayzer with a cast on his right hand and was concerned it could be used as a weapon to hit the deputies. "I knew I had to watch out for because that is a hard object and that could be used as a weapon towards me and other deputy personnel" ([redacted] **transcript, page 12**).

Deputy Welch grabbed Suspect Swayzer's arms and commanded Suspect Swayzer to face the wall since Suspect Swayzer refused the options of showering with other inmates or returning to his cell. Deputies Welch and [redacted] intended to handcuff Suspect Swayzer and remove him from the area to determine the next course of action. Suspect Swayzer was still not complying. When Deputy [redacted] realized Deputy Welch was attempting to take Suspect Swayzer to the floor, he backed out of their way.

Once Deputy Welch and Suspect Swayzer were on the floor, Deputy [redacted] grabbed Suspect Swayzer's legs, wrapped his arms around them, and hugged them tight into his body to prevent him from standing up and/or flailing them. Deputy [redacted] felt the deputies' actions were the best option to quickly handle the situation to prevent it from escalating. Suspect Swayzer only resisted for a few seconds while lying on the floor, but stopped resisting once Deputy [redacted] grabbed hold of his legs. Unknown deputies handcuffed Suspect Swayzer. Witness Deputy Gomez arrived and hobbled Suspect Swayzer without resistance.

Involved Employee - Deputy [redacted]

On November 11, 2019, Deputy [redacted] was interviewed by IAB Sergeants Chang and Jones at IAB. He was represented by Attorney Elizabeth Gibbons from The Gibbons Firm, PC. The following is a summary of the interview:

On April 13, 2019, Deputy [redacted] was assigned as the 2000 Title 15 Safety Check #1 Deputy. Deputy [redacted] had just completed safety checks and was in the Module 2300 officer's cage, when he heard Suspect Swayzer adamantly telling deputy personnel he wanted to shower upstairs by himself because he had a cast. Suspect Swayzer was out of his cell because he was supposed to shower with his group of inmates from his housing area but did not do so. Suspect Swayzer was standing just outside the sally port, next to the 2-gate. Deputy [redacted] view from within the officer's cage was partially obstructed due to the metal wire mesh design.

An unknown deputy checked on Suspect Swayzer's medical status, returned to the module and told Suspect Swayzer he did not have a medically ordered shower. Deputy Welch and additional deputies continued to talk with Suspect Swayzer. Moments later, Deputy [redacted] heard a commotion, looked in their direction and saw deputy personnel on the floor, on top of Suspect Swayzer. Suspect Swayzer was on his stomach and Deputies Welch, [redacted] and [redacted] were on top of him.

Suspect Swayzer told the deputies, "You can't handcuff me" in an agitated voice. Suspect Swayzer tensed his body and resisted handcuffing by refusing to place his hands behind his back. Deputy [redacted] exited the officer's cage and placed a control hold on Suspect Swayzer's right, upper back, next to his shoulder. Witness Sergeant Del Real arrived in under two minutes. Upon Witness Sergeant Del Real's arrival, she requested for the WRAP restraint. Deputies handcuffed and hobbled Suspect Swayzer. Suspect Swayzer stopped resisting once handcuffed.

Involved Employee - Custody Assistant [redacted]

On November 1, 2019, Custody Assistant [redacted] was interviewed by IAB Sergeants Chang and Connie Delgado, #[redacted] at IAB. She was represented by labor representative Venise Wallace from the Professional Peace Officers Association. The following is a summary of the interview:

On April 13, 2019, Custody Assistant [redacted] was assigned as the Module 2900 Officer. Custody Assistant [redacted] was in the 2000 Floor sergeant's office talking to Witness Sergeant Del Real. Custody Assistant [redacted] heard a radio traffic broadcast requesting a sergeant and deputies to Modules 2100 and 2300 regarding a recalcitrant inmate. Custody Assistant [redacted] ran to Modules 2100 and 2300 within two to three seconds.

Upon Custody Assistant [redacted] arrival to Modules 2100 and 2300, she saw deputies on top of Suspect Swayzer, next to the 2-gate. Suspect Swayzer lay on the floor, was "thrashing his shoulders, trying to put his hands in front of him, as if trying to stand up" ([redacted] **transcript, page 9**). Custody Assistant [redacted] could not hear what Suspect Swayzer was yelling, but heard Deputy personnel commanding Suspect Swayzer to stop fighting and/or resisting.

Deputy Welch focused on the left side of Suspect Swayzer as Custody Assistant [redacted] focused on his right side. Custody Assistant [redacted] grabbed Suspect Swayzer's right arm to place it behind his back to handcuff him. Suspect Swayzer tried to pull his elbow out, but Custody Assistant [redacted] held it in place. Custody Assistant [redacted] realized Suspect Swayzer had a cast on his right wrist and yelled for flex-cuffs since traditional handcuffs would not fit around the cast.

Suspect Swayzer stopped resisting, but continued to yell as deputies pleaded with him to calm down. Approximately 30 seconds later, flex-cuffs were brought to the module, enabling Custody Assistant [redacted] and Deputy Welch to handcuff Suspect Swayzer without any further use of force.